



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/587,177

11/24/2006

Alain Wagner

128852

6578

92793

7590

10/19/2010

Oliff & Berridge, PLC

P.O. Box 320850

Alexandria, VA 22320-4850

EXAMINER

SODERQUIST, ARLEN

ART UNIT

PAPER NUMBER

1777

NOTIFICATION DATE

DELIVERY MODE

10/19/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction92793@oliff.com

jarmstrong@oliff.com

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10587177	11/24/2006	WAGNER ET AL.	128852

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

EXAMINER

Arlen Soderquist

ART UNIT	PAPER
----------	-------

1777	20101013
------	----------

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. The information disclosure statement filed September 28, 2010 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because It was filed after allowance and fails to meet the requirements for consideration. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Examiner notes that the current IDS was filed with a date stamp page showing that an IDS was filed August 2, 2006 which would have been after the filing date of the instant application and prior to the first office action in the application. However in examining the papers, examiner was unable to find any listing of the application serial number. MPEP 502 - explains what happens where papers are submitted with no application number:

All correspondence related to a national patent application already filed with the U.S. Patent and Trademark Office must include the identification of the application number or the serial number and the filing date assigned to the application by the Office. Any correspondence not containing the proper identification set forth in 37 CFR 1.5(a) will be returned to the sender by *>the Office of Patent Application Processing (OPAP)<. Each paper should be inspected to assure that the papers being returned contain either an "Office Date" stamp or a TC date stamp. A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number. The failure to give any application number is not a minor error. The Office often experiences difficulty in matching incoming papers with the application file to which they pertain because insufficient or erroneous information is given. This applies especially to amendments, powers of attorney, changes of address, status letters, petitions for extension of time, and other petitions.

Because the failure to list the serial number of the application is not a minor error, and examiner cannot find any evidence that these papers were filed with the serial number or something through which the serial number could be easily identified, this information disclosure statement does not meet the requirements for the September 28, 2010 date they were received in the office. Thus they have not been considered by examiner.

/Arlen Soderquist/
Primary Examiner, Art Unit 1777

